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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 GOOGLE LLC,

14 Plaintiff,

15 v.

16 SONOS, INC.,

17 Defendant.  
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Case No. 3:20-cv-06754-WHA

**DEFENDANT SONOS, INC.'S  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED PURSUANT TO  
CIVIL L.R. 3-12**

Complaint Filed: September 28, 2020  
Trial Date: None Set

PLEASE TAKE NOTICE THAT, pursuant to Civil Local Rules 3-12 and 7-11, Defendant Sonos, Inc. (“Sonos”) hereby requests that the Court make a determination that a case just transferred to this District, *Sonos, Inc. v. Google LLC*, Case No. 4:21-cv-07559-KAW (“Sonos v. Google Action”), is related to the above-captioned case, *Google LLC v. Sonos, Inc.*, Case No. 3:20-cv-06754-WHA (“Google/Sonos DJ”). Google LLC (“Google”) does not oppose this request.

**I. ACTION REQUESTED**

An order pursuant to Civil L.R. 3-12 relating the Sonos v. Google Action to the Google/Sonos DJ.

**II. BACKGROUND**

**A. *Google/Sonos DJ***

On September 28, 2020, Google filed a complaint against Sonos in the Northern District of California, requesting a declaration of noninfringement of five Sonos patents. *Google LLC v. Sonos, Inc.*, Case No. 3:20-cv-06754, Dkt. 1. Google filed its complaint within hours of being informed by Sonos that Sonos intended to file suit for infringement of these same patents on September 29, 2020, in the Western District of Texas. *Id.* The next day, Sonos filed its infringement complaint against Google in the Western District of Texas—just as it said it would. *Sonos, Inc. v. Google LLC*, Case No. 6-20-cv-00881-ADA (“Western District of Texas Action”). On October 12, 2020, Sonos moved to stay or dismiss the Google/Sonos DJ due to Google’s attempts to manipulate venue. *Google LLC v. Sonos, Inc.*, Case No. 3:20-cv-06754, Dkt. 11. On November 20, 2020, this Court stayed the Google/Sonos DJ so that Sonos could litigate its claims against Google in the Western District of Texas Action. Dkt. 36.

The patents-at-issue in the Google/Sonos DJ relate to technologies for use in home audio network configurations, including technologies generally relating to: music playback in a network, music playback device management in a network, and dynamic sound equalization in an audio device.

**B. *Sonos v. Google Action***

Following the Google/Sonos DJ stay, the Western District of Texas Action proceeded—

1 for a time. On January 8, 2021, Google moved to transfer the Western District of Texas Action to  
 2 the Northern District of California. *Sonos, Inc. v. Google LLC*, No. 6:20-cv-00881-ADA, Dkt.  
 3 34. That motion was denied. Dkt. 97. Google then filed a writ of mandamus on the transfer  
 4 order. *In re: Google LLC*, Case No. 2021-170. On September 27, 2021, the Federal Circuit  
 5 granted mandamus. The next day, the Western District of Texas Action was transferred to the  
 6 Northern District of California. The case is currently pending before Magistrate Judge Westmore.  
 7 *Sonos, Inc. v. Google LLC*, Case No. 21-cv-7559.

8 The patents-at-issue in the *Sonos v. Google* Action relate to the same home audio network  
 9 products and technologies as in the *Google/Sonos DJ*.

### 10 **III. ARGUMENT**

11 Civil Local Rule 3-12(a) provides that “[a]n action is related to another when: (1) [t]he  
 12 actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears  
 13 likely that there will be an unduly burdensome duplication of labor and expense or conflicting  
 14 results if the cases are conducted before different Judges.”

#### 15 **A. *The Google/Sonos DJ and Sonos v. Google Action Involve Substantially the*** 16 ***Same Parties, Patents, Legal Issues, and Transactions.***

17 Both the *Google/Sonos DJ* and the *Sonos v. Google* Action feature the same two litigants:  
 18 Google and Sonos. No other party is named. The two cases also involve the same federal  
 19 statutes under the patent laws of the United States, 35 U.S.C. § 1-390.

20 Most importantly, however, the two cases involve substantially the same patents, legal  
 21 issues, and transactions. In the *Google/Sonos DJ*, Google seeks a finding that various Google  
 22 products do not infringe United States Patent Nos. 9,967,615 (“the ’615 patent”); 10,779,033  
 23 (“the ’033 patent”); 9,344,206 (“the ’206 patent”); 10,469,966 (“the ’966 patent”); and 9,219,460  
 24 (“the ’460 patent”). Four of these five patents are also at issue in the *Sonos v. Google* Action. In  
 25 fact, the original complaint that Sonos filed in the Western District of Texas Action sought a  
 26 finding that the same Google products at issue in the *Google/Sonos DJ* infringed all five of the  
 27 patents at issue: the ’615 patent, the ’033 patent, the ’206 patent, the ’966 patent, and the ’460  
 28 patent. *Sonos, Inc. v. Google LLC*, No. 6:20-cv-00881-ADA, Dkt. 1. Sonos later amended its

complaint in the Western District of Texas Action to add U.S. Patent No. 10,848,885 (“the ’855 patent”) and withdraw its infringement claims concerning the ’460 patent. At the time that it amended the complaint, Sonos confirmed to Google that it would not oppose Google amending its complaint in the Google/Sonos DJ matter so that the cases would have exactly the same patents. *See* Dkt. 48 at 1 (case management statement filed in the present action explaining that Sonos will not oppose Google’s motion to amend the ’885 Patent to this case).

In sum: the Google/Sonos DJ action and the Sonos v. Google Action presently involve four out of the five same patents at issue, the accused products are identical, and the parties have already confirmed their intention to amend the operative pleading in this case so that there will be a complete overlap of asserted patents.

**B. *Relating the Google/Sonos DJ and Sonos v. Google Action Will Conserve Judicial Resources and Avoid Inconsistent Results.***

This Court is currently presiding over the Google/Sonos DJ. This Court has overseen Sonos’s Motion to Dismiss (Dkt. 11) and Google’s submission of a First Amended Complaint (Dkt. 41). The Court is or will be familiar with the parties, the controversies, and the subject matter at issue.

Given that substantial overlap between the parties and the subject matter at issue, relating these cases will avoid the “unduly burdensome duplication of labor and expense” and the prospect of “conflicting results” that would result from these cases proceeding before different Judges. L.R. 3-12(a)(2).

**IV. CONCLUSION**

For the foregoing reasons, Sonos respectfully requests that the Sonos v. Google Action be related to Google/Sonos DJ pursuant to Local Rule 3-12.

Dated: October 5, 2021

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Alyssa M. Caridis

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